

FILEDUNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICOIN THE UNITED STATES DISTRICT COURT **FEB 23 2010**

FOR THE DISTRICT OF NEW MEXICO

MATTHEW J. DYKMAN

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**LOUIE SANCHEZ,
CHRISTOPHER P. GOMEZ, and
RACHEL SAVANNAH SANCHEZ,**

Defendants.

CRIMINAL NO. 10-461

Clerk

) Counts 1-7:
18 U.S.C. §§ 1344 and 2:
Bank Fraud; Aiding and Abetting;

) Count 8:
18 U.S.C. § 1028A(a)(1) and (c)(5):
Aggravated Identity Theft;

) Count 9:
18 U.S.C. §§ 1029(a)(2) and 2:
Fraud and Related Activity in
Connection with Access Devices;
Aiding and Abetting;

) Count 10:
18 U.S.C. §§ 513(a) and 2:
Securities of the States and Private
Entities;

) Counts 11-23:
18 U.S.C. §§ 1344 and 2:
Bank Fraud; Aiding and Abetting;

) Count 24:
18 U.S.C. §§ 1708 and 2:
Theft or Receipt of Stolen Mail
Matter Generally; Aiding and
Abetting;

) Count 25:
18 U.S.C. § 500 and 2:
Money Orders; Aiding and Abetting.

INDICTMENT

The Grand Jury charges:

Counts 1-7

1. From on or about July 4, 2009, continuing through on or about July 13, 2009 in Santa Fe County, in Rio Arriba County, in Bernalillo County, in the State and District of New Mexico, and elsewhere, the Defendant, **LOUIE SANCHEZ**, did knowingly and willfully execute and attempt to execute a scheme and artifice to defraud federally insured financial institutions and to obtain monies, funds, credits, assets, securities, and other property of these financial institutions by means of materially false and fraudulent pretenses, representations, and promises.

2. In furtherance of and as part of the scheme and artifice to defraud and to obtain and to attempt to defraud and to attempt to obtain monies of federally insured financial institutions, the Defendant, **LOUIE SANCHEZ**, did as follows regarding individuals known to the Grand Jury:

- a) had in his possession blank checks belonging to others knowing they had been stolen from the mail;
- b) had in his possession a Wells Fargo ATM card and PIN, knowing they had been stolen from the mail, as he had in his possession the mail from Wells Fargo to Jesus S.P. enclosing Wells Fargo ATM card ending in -1401, mail from Wells Fargo to Jesus S.P. with the PIN for that ATM card, and other mail matter addressed to Jesus S.P. dated June 30, 2009;
- c) wrote blank checks stolen from others payable to "Jesus S.P.";
- d) deposited stolen and unauthorized checks totaling \$5,500 into Jesus S.P.'s Wells Fargo account using Jesus S.P.'s stolen Wells Fargo ATM card;

- e) accessed the funds in Jesus S.P.'s Wells Fargo account using Jesus S.P.'s Wells Fargo ATM card to make unauthorized purchases, withdrawals and transactions totaling approximately \$3,286.03;
- f) resulting in a loss to Wells Fargo of approximately \$3,286.03.

3. Wells Fargo is a financial institution as defined within 18 U.S.C. § 20, and is insured by the Federal Deposit Insurance Corporation.

4. The Defendant, **LOUIE SANCHEZ**, possessed blank checks of Robert B., knowing they had been stolen from the mail, as he had in his possession on July 17, 2009, the following mail matter addressed to Robert B.:

- a) Wells Fargo statement to Robert and Laura B. dated June 25, 2009;
- b) mail between BancFirst and Robert B.; and
- c) Robert B.'s blank check #1064 on Discover Bank account ending in -0635;

5. On or about the dates set forth below, the Defendant, **LOUIE SANCHEZ**, with intent to defraud, knowingly and unlawfully executed and attempted to execute the above-described scheme and artifice to defraud Wells Fargo Bank, and to obtain property owned by and under the control of Wells Fargo Bank by means of false and fraudulent pretenses, representations and promises, in that the Defendant, **LOUIE SANCHEZ**, made unauthorized deposits of the unauthorized and stolen checks into the Wells Fargo account of Jesus S.P., using the ATM card issued to Jesus S.P., including but not limited to the checks listed below, in the approximate amounts listed below, and also made unauthorized withdrawals and purchases from the Wells Fargo account of

Jesus S.P., using the ATM card issued to Jesus S.P., including but not limited to the transactions listed below, in the approximate amounts listed below:

<u>Count</u>	<u>Date on check</u>	<u>Amount</u>	<u>Unauthorized Check</u>	<u>Unauthorized Deposit into Jesus S.P.'s Wells Fargo Account Using Jesus S.P's ATM card -1401</u>
1	7-4-09	\$1,000	Robert B.'s check #1061 on Discover Bank account -0635	payable to "Jesus S.P." deposited into Jesus S.P.'s account on or about 7-9-09
2	7-4-09	\$1,000	Robert B.'s check #1062 on Discover Bank account -0635	payable to "Jesus S.P." deposited into Jesus S.P.'s account on or about 7-9-09
3	7-5-09	\$1,500	Robert B.'s check #1063 on Discover Bank account -0635	payable to "Jesus P." deposited into Jesus S.P.'s account on or about 7-8-09

<u>Count</u>	<u>Date</u>	<u>Amount Withdrawn from Jesus S.P.'s account</u>
4	7-8-09	\$100 ATM withdrawal
5	7-9-09	\$302 ATM withdrawal
6	7-9-09	\$503.24 purchase at WalMart
7	7-10-09	\$116.49 purchase at WalMart

In violation of 18 U.S.C. §§ 1344 and 2.

Count 8

From on or about July 4, 2009, through on or about July 13, 2009, in Santa Fe County, Rio Arriba County, Santa Fe County, and Bernalillo County, in the District of New Mexico, and elsewhere, the Defendant, **LOUIE SANCHEZ**, did knowingly use, without lawful authority, a means of identification of another person, as defined in 18 U.S.C. § 1028(d)(7), that being telecommunication identifying information and access device (as defined in 18 U.S.C. § 1029(e)), specifically the Wells Fargo ATM card

ending in -1401 issued to Jesus S.P., which the Defendant knew at the time belonged to Jesus S.P., a real person, during and in relation to a violation of 18 U.S.C. § 1344, bank fraud (as charged in Counts 1-7), by knowingly utilizing the name and ATM card of Jesus S.P. to make deposits of unauthorized checks totaling \$5,500 into the account of Jesus S.P., and 24 unauthorized purchases, withdrawals, and transactions out of the Wells Fargo account of Jesus S.P. totaling approximately \$3,286.03.

In violation of 18 U.S.C. § 1028A(a)(1) and (c)(5).

Count 9

From on or about July 14, 2009, through on or about July 16, 2009, in San Juan County, Sandoval County, and Bernalillo County, in the State and District of New Mexico, the Defendant, **LOUIE SANCHEZ**, knowingly and with intent to defraud trafficked in and used one or more unauthorized access devices during a one-year period, and by such conduct obtained anything of value aggregating \$1,000 or more during that period, to wit: unauthorized use of the Capital One Visa card ending in -4055 issued to Jerry V.G. to obtain money, goods, services, and any other thing of value, for a total of 23 unauthorized purchases totaling approximately \$1,783.05.

In violation of 18 U.S.C. §§ 1029(a)(2) and 2.

Count 10

On or about April 12, 2009, in Bernalillo County, in the State and District of New Mexico, the Defendant, **LOUIE SANCHEZ**, did knowingly make, utter and possess a counterfeit security of a State or a political subdivision thereof, with the intent to deceive another person, organization, and government; that is, the Defendant, **LOUIE**

SANCHEZ, did knowingly make, utter and possess a counterfeit check #103420 in the purported amount of \$847.00, which check appeared to be drawn on a legitimate account located at Wells Fargo Bank that was then held by Magistrate Court Trust Account, Santa Fe County Divisions I, II & III, with the intent to deceive Wells Fargo Bank and its employees.

In violation of 18 U.S.C. §§ 513(a) and 2.

Counts 11-23

1. From on or about June 25, 2009, continuing through on or about July 13, 2009, in San Juan County, Sandoval County, Bernalillo County, in the State and District of New Mexico, and elsewhere, the Defendants, **LOUIE SANCHEZ** and **CHRISTOPHER P. GOMEZ**, did knowingly and willfully execute and attempt to execute a scheme and artifice to defraud federally insured financial institutions and to obtain monies, funds, credits, assets, securities, and other property of these financial institutions by means of materially false and fraudulent pretenses, representations, and promises.

2. In furtherance of and as part of the scheme and artifice to defraud and to obtain and to attempt to defraud and to attempt to obtain monies of federally insured financial institutions, the Defendants, **LOUIE SANCHEZ** and **CHRISTOPHER P. GOMEZ**, did as follows regarding individuals known to the Grand Jury:

- a) possessed stolen mail matter including blank checks belonging to others knowing they had been stolen from the mail;
- b) wrote the blank checks stolen from others payable to the Defendant, **CHRISTOPHER P. GOMEZ**;

- c) opened at least three Wells Fargo accounts online in the name of the Defendant, **CHRISTOPHER P. GOMEZ**:
 - 1) checking account ending in -6982 on June 25, 2009 at 11:16;
 - 2) savings account ending in -7623 on June 25, 2009 at 11:17;
 - 3) checking account ending in -5082 on July 3, 2009 at 0:50;
- d) listed on all three Wells Fargo account applications for the Defendant, **CHRISTOPHER P. GOMEZ**, the same street address in Albuquerque, New Mexico, provided for the Defendants, **LOUIE SANCHEZ** and **RACHEL SAVANNAH SANCHEZ**;
- e) deposited the unauthorized checks payable to the Defendant, **CHRISTOPHER P. GOMEZ**, totaling approximately \$11,752.33 into these Wells Fargo accounts of the Defendant, **CHRISTOPHER P. GOMEZ**;
- e) made withdrawals, purchases, and transactions from the funds in these Wells Fargo accounts of the Defendant, **CHRISTOPHER P. GOMEZ** of approximately \$3,678.95 from account -6982, plus additional amounts of \$1,450.52 from account -7623 and \$486.69 from account -5082;
- f) resulting in a loss to Wells Fargo of approximately \$5,616.16.

3. Wells Fargo is a financial institution as defined within 18 U.S.C. § 20, and is insured by the Federal Deposit Insurance Corporation.

4. On or about the dates set forth below, the Defendants, **LOUIE SANCHEZ** and **CHRISTOPHER P. GOMEZ**, with intent to defraud, knowingly and unlawfully executed and attempted to execute the above-described scheme and artifice to defraud Wells Fargo Bank, and to obtain property owned by and under the control of Wells Fargo Bank

by means of false and fraudulent pretenses, representations and promises, in that the Defendants, **LOUIE SANCHEZ** and **CHRISTOPHER P. GOMEZ**, deposited unauthorized and stolen checks, including but not limited to the following, into the Wells Fargo accounts of the Defendant, **CHRISTOPHER P. GOMEZ**, in the approximate amounts listed below, and made withdrawals, purchases and transactions, including but not limited to the following, from the Wells Fargo accounts of the Defendant, **CHRISTOPHER P. GOMEZ**, in the approximate amounts listed below, thereby using the funds from the unauthorized deposits:

<u>Count</u>	<u>Date on check</u>	<u>Amount</u>	<u>unauthorized check</u>	<u>payable to GOMEZ deposited into GOMEZ' Wells Fargo account</u>
11	6-29-09	\$850	Ronald N.'s check #2010 on New Mexico Bank and Trust account -7968	payable to "CHRISTOPHER GOMEZ"
12	6-30-09	\$950	Jon B.'s check #12788 on Capital One account -0419	payable to "CHRIS GOMEZ"
13	6-31-09	\$800	Rosie M.'s check #12764 on Capital One account -7522	payable to "CHRISTOPHER GOMEZ"
14	7-2-09	\$950	Yeon K.'s check #3439 on Chase BankCard Services Inc. account -4488	payable to "CHRIS GOMEZ"
15	7-2-09	\$950	Yeon K.'s check #3440 on Chase BankCard Services Inc. account -4488	payable to "CHRISTOPHER GOMEZ"
16	7-3-09	\$1,000	Laura B.'s check #1060 on Discover Bank account -3141	payable to "CHRISTOPHER GOMEZ"

<u>Count</u>	<u>Date on check</u>	<u>Amount</u>	<u>unauthorized check</u>	<u>payable to GOMEZ deposited into GOMEZ' Wells Fargo account</u>
17	7-4-09	\$1,000	Robert B.'s check #1060 on Discover Bank account -0635	payable to "CHRIS GOMEZ"
18	7-4-09	\$800	David S.'s check #50067 on Capital One account -1044	payable to "CHRIS GOMEZ"
19	7-5-09	\$900	Anna W.'s check #1255 on FIA Card Services account -7842	payable to "CHRISTOPHER GOMEZ"

<u>Count</u>	<u>Date</u>	<u>Amount Withdrawn from a GOMEZ Wells Fargo account</u>
20	6-30-09	\$200
21	7-1-09	\$730
22	7-2-09	\$1100
23	7-3-09	\$1600

In violation of 18 U.S.C. § 1344(1) and (2).

Count 24

On or about July 17, 2009, in Socorro County, in the District of New Mexico, the Defendants, **LOUIE SANCHEZ, CHRISTOPHER P. GOMEZ, and RACHEL SAVANNAH SANCHEZ**, did receive, conceal, and unlawfully have in their possession stolen mail matter which had been stolen, taken, embezzled and abstracted from a letter box and post office, mail receptacle, mail route and carrier which were authorized depositories for mail matter, knowing said mail matter to have been stolen, taken, embezzled and abstracted from an authorized depository for mail matter. The pieces of

mail matter found in the unlawful possession of the Defendants, having been so stolen, taken, embezzled and abstracted, from individuals known to the Grand Jury, include but are not limited to the following, any one of which is sufficient proof of the unlawful violation:

1. check from Energen Resources Corporation to Benchmark Equipment & Tank for \$38,422.82 dated 6-25-09;
2. check from Fidelity Investments to Joe B. for \$3,700 dated 6-22-09;
3. check from Pushkin Gallery LLC to Louanne E. for \$5,000 dated 7-1-09;
4. check from Donald F. to Springdale West Care Center for \$1,878.41 dated 7-3-09;
5. check to Denise L. for \$1,400 dated 6-12-09;
6. check from Sterling Insurance Company to James M. for \$19,941.60 dated 6-12-09;
7. check from Energen Resources Corporation to Noble Trucking Inc. for \$11,238.14 dated 6-25-09;
8. check from Enterprise Products Operating LLC to Noble Trucking for \$1,854.55 dated 6-23-09;
9. check from Northeast Regional Education Cooperative to Juan P. for \$2,677.24 dated 6-25-09;
10. check from C&J Gravel Products Inc. to Triple Crown Excavation for \$5,000 dated 6-17-09;

In violation of 18 U.S.C. §§ 1708 and 2.

Count 25

In San Juan County, in the State and District of New Mexico, on or about July 16, 2009, the Defendant, **CHRISTOPHER P. GOMEZ**, falsely altered, in any material respect, any money order and postal noted issued by or under the direction of the Post Office Department or Postal Service, and with intent to defraud the United States, the Postal Service, or any person, transmitted, presented, and caused to be transmitted and presented, any money order or postal note knowing the same to contain any forged or counterfeited signature, initials, and any stamped impression, and to contain any material alteration therein unlawfully made, to wit: a U.S. Postal Service money order with serial number ending in -9047 for \$54 that was purchased on 7-1-09 at a post office in California by Denize C. payable to Kabir C. was negotiated on 7-16-09 from "CHRIS GOMEZ" to "VALLEY STORAGE" with the name of the Defendant, **CHRISTOPHER P. GOMEZ**, on the Valley Storage receipt.

In violation of 18 U.S.C. §§ 500 and 2.

A TRUE BILL:

/s/
FOREPERSON OF THE Grand Jury

Assistant United States Attorney

02/19/10 11:32am